APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/886,071	06/20/2001	Lou Topfl	00987	5990

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EXAMINER
CHANKONG, DOHM

ART UNIT	PAPER NUMBER
2152	

DATE MAILED: 03/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

Advisory Action *Before the Filing of an Appeal Brief*	Application No. 09/886,071	Applicant(s) TOPFL ET AL.
	Examiner Dohm Chankong	Art Unit 2152	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>13 February 2006</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☒ The period for reply expires <u>3</u> months from the mailing date of the final rejection.

   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

     Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a)☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b)☐ They raise the issue of new matter (see NOTE below);

   (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

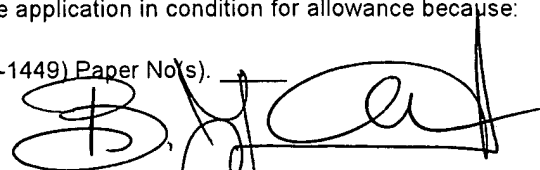   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: <u>1-16</u>.

   Claim(s) withdrawn from consideration: _____.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.

13. ☐ Other: _____.

BUNJOB JAROENCHONWANIT
SUPERVISORY PATENT EXAMINER

Continuation of 11. does NOT place the application in condition for allowance because: Applicant's arguments have been considered but are not persuasive. Applicant argues in substance that the prior art references do not disclose "enabling the storage" at a client and server layer. Further, Applicant asserts that Pirolli teaches away from calculating a probablity of a single user. However the primary reference Jiang already disclosed this functionality: "to predict user's behavior in web browsing". column 6, lines 21--22. Jiang solves the problem of calculating a probability for the desirability of the links by the particular user (not multiple) [See abstract, column 2 "lines 1-22", column 6 "line 65" to column 8 "line 28" : "single user system"]. Additionally, Pirolli does not expressly teach away from Jiang. Jiang discloses utilizing both single user and multi user determinations for calculating probability in the same embodiment and depending on the situation. [column 6 "lines 6-25"].Thus, Pirolli's teaching is compability with Jiang.

Furthermore, Applicant's claim language can be interpreted differently. The relevant claim language states: "calculating a probability for the desirability of the links by the particular user". There is nothing in this language that mandates that the probability be calculated based solely on the user's actions as argued by Applicant. A probability only needs to be calculated for a single user. Stated differently, nothing in the claim language is directed towards how the desirability is to be calculated for the particular user.. Pirolli clearly discloses calculating the desirability of links for a single user, using a colletive probability, but this probability still represents the desirability of the link for that particular user. Applicant's data collection module collects successive actions of a particular user, but these 'successive actions" are not referenced in regards to the calculation of the desirability.

Applicant also objects to the combination in regards to storing successive actions at a server cache. Applicant's arguments merely object to the rejection on the grounds that such functionality is not well known in the art in the context of a data collection module and a probability module.Applicant's argument ignores the Pirolli reference which serves as the basis for the rejection. Pirolli discloses that documents of successive user actions may be stored in a server cache [Figure 1, column 1 "lines 33-36", column 2 "lines 57-61"]. Pirolli also discloses a data collection module for collecting user actions [column 5 "lines 40-43"] and a probability module [see Title, abstract, column 3 "lines 1-5"] working in concert with the server cache to prefetch and cache appropriate documents for the specific user [Figure 2]. Thus, Pirolli clearly demonstrates the use of a server cache with appropriate user and probability modules and Applicant's objection is not persuasive.

Thus, the prior art referenes disclose the limitations as claimed. Applicant's arguments are not persuasive and does not place the application in condition for allowance. .